

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARQUESE D. COOPER,)	Case No.: 1: 24-cv-0032 JLT SAB (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS; DISMISSING THE
v.)	ACTION FOR PLAINTIFF'S FAILURE TO STATE
)	A CLAIM, FAILURE TO PROSECUTE, AND
THE AIS CENTER AND OUTPATIENT)	FAILURE TO COMPLY WITH A COURT
SURGERY, et al.,)	ORDER; AND DIRECTING THE CLERK OF
)	COURT TO CLOSE THIS CASE
Defendants.)	(Doc. 14)
)	

Marquese D. Cooper initiated this action seeking to hold the defendants liable for violations of his civil rights. (Doc. 1.) The magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 9 at 3-6.) The Court provided the relevant legal standards and granted Plaintiff an opportunity to file an amended complaint. (*See id.* at 7.)

Plaintiff timely filed an amended complaint. (Doc. 10.) However, the magistrate judge struck the amended pleading because it was unsigned. (Doc. 11 at 2-3.) Despite the procedural deficiency, the magistrate judge also screened the amended pleading and found the "factual allegations fail to give rise to a cognizable claim for relief." (*Id.* at 4; *see also id.* at 4-6.) The magistrate judge directed Plaintiff to file an amended complaint that was signed under penalty of perjury within 30 days. (*Id.* at 7.) After Plaintiff failed to do so, the magistrate judge issued an order to Plaintiff to show cause why the action should not be dismissed. (Doc. 12.)

1 After Plaintiff failed to file an amended complaint or otherwise respond to the Court's order,
2 the magistrate judge reiterated the findings that Plaintiff failed to state a claim, and recommended the
3 action be dismissed. (Doc. 14 at 3-6.) In addition, the magistrate judge found terminating sanctions
4 were appropriate for Plaintiff's failure to prosecute the action and failure to obey the Court's order to
5 file an amended complaint, after considering the factors identified by the Ninth Circuit. (*Id.* at 6-9.)

6 The Court served these Findings and Recommendations on Plaintiff and notified him that any
7 objections were due within 14 days. (Doc. 14 at 9.) The Court also advised him that the "[f]ailure to
8 file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing
9 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the
10 time to do so expired.

11 According to 28 U.S.C. § 636(b)(1), the Court performed a *de novo* review of the action.
12 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
13 supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 14 1. The Findings and Recommendations issued on May 31, 2024 (Doc. 14) are **ADOPTED**
15 in full.
- 16 2. The instant action is **DISMISSED** with prejudice for Plaintiff's failure to state a claim,
17 failure to prosecute, and failure to comply with the Court's order.
- 18 3. The Clerk of Court is directed to close this case.

19
20 IT IS SO ORDERED.

21 Dated: **June 30, 2024**


UNITED STATES DISTRICT JUDGE